

REMARKS

The Office Action dated September 14, 2004, has been received and carefully considered. In this response, claims 6 and 16 have been amended. Entry of the amendments to claims 6 and 16 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE OBVIOUSNESS REJECTION OF CLAIM 1

On pages 2-3 of the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, as stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Additionally, as stated in MPEP § 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v.

Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Finally, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The Examiner asserts that Hu teaches the claimed invention, except for a notification unit which is taught by Ellis. The Examiner goes on to assert that it would have been obvious to one of ordinary skill in the art to combine the teachings of Ellis with the teachings of Hu so as to arrive at the claimed invention. The Applicants respectfully disagree.

Specifically, the Examiner asserts that Hu teaches a redirect receiving unit for receiving a redirected customer web site access request from a network server (see column 6, lines 10-22) and generating a request for a capacity determination for the web site (see column 9, lines 7-46). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually receives a redirected customer web site access request from a network server, as claimed. That is, Hu teaches that a client request is handled by a network request manager 102 (see column 6, lines 10-22), but Hu does not teach that this client request is redirected prior to being received by the network request

manager 102, as claimed. Hu only mentions that the network request manager 102 may respond to the client request with redirection information (see column 6, lines 10-22). This is clearly different than receiving a redirected customer web site access request from a network server, as claimed.

It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually generates a request for a capacity determination for the web site, as claimed. That is, Hu teaches that a policy module 206 retrieves a dynamic metric for a group of content servers 106 (see column 9, lines 7-46), but Hu does not teach that this policy module 206 generates a request for a capacity determination for a customer-specified web site, as claimed. Rather, Hu teaches retrieving a dynamic metric for the group of content servers 106 so that at least one of the content servers in the group may service a client request (see column 9, lines 7-46). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present invention, as claimed, is clearly different from the operation of the system disclosed by Hu.

The Examiner also asserts that Hu teaches a capacity

determination unit for determining if the web site has capacity to handle an additional customer (see column 9, lines 7-46). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually determines if the web site has capacity to handle an additional customer, as claimed. That is, as discussed above, Hu teaches that a policy module 206 retrieves a dynamic metric for a group of content servers 106 (see column 9, lines 7-46), but Hu does not teach that this policy module 206 determines if a customer-specified web site has capacity to handle an additional customer, as claimed. Rather, Hu teaches retrieving a dynamic metric for the group of content servers 106 so that at least one of the content servers in the group may service a client request (see column 9, lines 7-46). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present invention, as claimed, is clearly different from the operation of the system disclosed by Hu.

The Examiner also asserts that Hu teaches a redirect unit for redirecting the customer to the web site if sufficient capacity is found (column 11, lines 17-27). It is respectfully

submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually redirects the customer to the web site if sufficient capacity is found, as claimed. That is, Hu teaches that a connection module 208 selects a redirect mode of operation where a network request manager 102 selects one of a group of content servers 106 based merely upon a client content request and then provides information about the selected content server 106 to a client 104 so that the client may resend the client request directly to the selected content server 106 (column 11, lines 17-27). However, Hu does not teach that this network request manager 102 redirects a customer to a customer-specified web site if the customer-specified web site is found to have sufficient capacity, as claimed. Rather, Hu teaches selecting one of a group of content servers 106 based merely upon a client content request and then providing information about the selected content server 106 to a client 104 so that the client may resend the client request directly to the selected content server 106 (column 11, lines 17-27). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present invention, as claimed, is clearly different from

the operation of the system disclosed by Hu.

The Examiner further asserts that Ellis teaches a notification unit for notifying the customer if the web site currently has insufficient capacity (column 7, lines 17-44). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Ellis actually notifies the customer if the web site currently has insufficient capacity, as claimed. That is, Ellis teaches the handling of communication sessions by partitioning the sessions for handling by multiple agents if a main server cannot handle the session alone. Specifically, at column 7, lines 17-44, Ellis teaches:

First the Main Server starts up, wherein a registry is created and initialized and the server begins execution 402. The Agent Server(s) register themselves 405 with the Main Server and define session key(s) with which to establish secure communications. The Main Server and Agent Servers become enabled to receive secure connections from Clients 410 and 415. The Client(s) connects to the Main Server and authenticates using one of several servers known authentication methods 420. The Main Server determines if it can accept a new session based on its current available processor bandwidth. If the Main Server can accept a new session based on available processor resources, then it agrees on a secret session key with the Client(s) and begins the session(s). If the Main Server has insufficient resources to service the session 425, then it will instruct an Agent Server(s) to become unblocked [wake up] and participate in a multiparty key exchange between a Client, Main Server and Agent Server. If the Agent Server has

insufficient resources it will notify the server that it cannot accept a new client session or maintain an existing one. If none of the Agent Servers can accept a new client connection then the server can handle the additional load or deny the connection based on configuration settings. If the Agent Server loses resources it will request that the Main Server pass the client connection to a new Agent which the Main Server will attempt to do. If the Main Server cannot pass the connection it will either attempt to handle the load itself or notify the client and close the connection.

Clearly, nowhere in this passage (nor anywhere else in the specification of Ellis) does Ellis make mention of a notification unit for notifying a customer if a customer-specified web site currently has insufficient capacity. Indeed, Ellis does not even mention the terms "web site" or "customer" anywhere within its specification. Accordingly, Ellis fails to teach a notification unit for notifying a customer if customer-specified web site currently has insufficient capacity, as claimed.

In view of the foregoing, it is respectfully submitted that Hu and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 1.

At this point it should be noted that there would be no reason, suggestion, or motivation to combine Hu and Ellis since Hu teaches network connection request distribution while Ellis

teaches maintaining existing simultaneous cryptographic sessions.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 1 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 2, 3, 11, AND 12

On pages 3-4 of the Office Action, claims 2, 3, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Chang et al. (U.S. Patent No. 6,134,584). This rejection is hereby respectfully traversed.

Claims 2, 3, 11, and 12, are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 3, 11, and 12 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 3 recites a customer identification unit for determining whether a customer has scheduled access to a web site. The Examiner asserts that Ellis teaches this feature at column 6,

lines 39-43, by stating that "upon initialization the client contacts the gateway server and authenticates using RADIUS, TACACS+, a pre-shared password or X.509 certificate. Once the client is authenticated, it negotiates the session key with the gateway server." Clearly, this passage of Ellis does not teach, or even suggest, the claimed feature as Ellis does not even mention the term "web site" let alone identifying a customer to determine if the customer has scheduled access to the web site.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2, 3, 11, and 12 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 4-8

On pages 4-6 of the Office Action, claims 4-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643). This rejection is hereby respectfully traversed.

Claims 4-8 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 4-8 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims

recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 4-8 be withdrawn.

IV. THE OBVIOUSNESS REJECTION OF CLAIMS 9 AND 10

On pages 6-7 of the Office Action, claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Lee (U.S. Patent No. 4,788,715). This rejection is hereby respectfully traversed.

Claims 9 and 10 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 9 and 10 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 9 and 10 be withdrawn.

V. THE OBVIOUSNESS REJECTION OF CLAIM 13

On page 7 of the Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584). This rejection is hereby respectfully traversed.

For the reasons set forth above with respect to claim 1, it is respectfully submitted that Hu fails to teach the claimed redirect receiving unit and capacity determination unit.

Furthermore, it is respectfully submitted that Chang et al. fails to teach, or even suggest, the claim elements asserted by the Examiner. For instance, column 3, lines 27-31, of Chang et al. (and indeed all of Chang et al.) relate to scheduling data downloads whereby a computer system need not keep power on until the download. Specifically, at column 3, lines 27-31, Chang et al. teaches:

A method and system is disclosed for scheduling data download, such as web pages, databases or softwares, over a network such as the internet without keeping the computer system power on all the time till the upcoming data download activities.

Clearly, nowhere in this passage (nor anywhere else in the

specification of Chang et al.) does Chang et al. make mention of scheduling access for a customer to a web site if the web site does not currently have the capacity to allow for such customer access. Indeed, Chang et al. does not even mention the terms "capacity" or "customer" anywhere within its specification. Furthermore, the mere mention by Chang et al. that downloads may be scheduled for times when phones rates and internet traffic are reduced in no way relates to the capacity of a web site to allow for customer access, as the Examiner suggests. Accordingly, Chang et al. fails to teach, or even suggest, a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists, as claimed.

In view of the foregoing, it is respectfully submitted that Hu and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 13.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 13 be withdrawn.

VI. THE OBVIOUSNESS REJECTION OF CLAIM 20

On page 8 of the Office Action, claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent

No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Ellis (U.S. Patent No. 6,484,257). This rejection is hereby respectfully traversed.

Claim 20 is dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claim 20 should also be allowable at least by virtue of its dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 20 be withdrawn.

VII. THE OBVIOUSNESS REJECTION OF CLAIMS 14 AND 18

On pages 8-9 of the Office Action, claims 14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643). This rejection is hereby respectfully traversed.

Claims 14 and 18 are dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as

discussed above, claims 14 and 18 should also be allowable at least by virtue of their dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 14 and 18 be withdrawn.

VIII. THE OBVIOUSNESS REJECTION OF CLAIMS 15-17

On pages 9-10 of the Office Action, claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643) and further in view of Ellis (U.S. Patent No. 6,484,257). This rejection is hereby respectfully traversed.

Claims 15-17 are dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claims 15-17 should also be allowable at least by virtue of their dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 15-17 be withdrawn.

IX. THE OBVIOUSNESS REJECTION OF CLAIM 19

On pages 10-11 of the Office Action, claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643) and further in view of Lee (U.S. Patent No. 4,788,715). This rejection is hereby respectfully traversed.

Claim 19 is dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claim 19 should also be allowable at least by virtue of its dependency on independent claim 13. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 19 be withdrawn.

X. THE OBVIOUSNESS REJECTION OF CLAIM 21

On pages 11-12 of the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257). This rejection is hereby respectfully traversed.

For the reasons set forth above with respect to claim 1, it is respectfully submitted that Hu and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 21.

At this point it should be noted that there would be no reason, suggestion, or motivation to combine Hu and Ellis since Hu teaches network connection request distribution while Ellis teaches maintaining existing simultaneous cryptographic sessions.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 21 be withdrawn.

XI. THE OBVIOUSNESS REJECTION OF CLAIMS 23-26 AND 28

On pages 12-13 of the Office Action, claims 23-26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Colby et al. (U.S.

Patent No. 6,625,643). This rejection is hereby respectfully traversed.

Claims 23-26 and 28 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 23-26 and 28 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 23-26 and 28 be withdrawn.

XII. THE OBVIOUSNESS REJECTION OF CLAIM 27

On page 13 of the Office Action, claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Colby et al. (U.S. Patent No. 6,625,643) and further in view of Chang et al. (U.S. Patent No. 6,134,584). This rejection is hereby respectfully traversed.

Claim 27 is dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claim 27 should also be allowable at least by virtue of

its dependency on independent claim 21. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 27 be withdrawn.

XIII. THE OBVIOUSNESS REJECTION OF CLAIMS 22, 29, AND 33

On page 13-14 of the Office Action, claims 22, 29, and 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Chang et al. (U.S. Patent No. 6,134,584). This rejection is hereby respectfully traversed.

Claims 22, 29, and 33 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 22, 29, and 33 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 22, 29, and 33 be withdrawn.

XIV. THE OBVIOUSNESS REJECTION OF CLAIMS 30, 31, 34, AND 35

On pages 14-15 of the Office Action, claim 30, 31, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Lee (U.S. Patent No. 4,788,715). This rejection is hereby respectfully traversed.

Claims 30, 31, 34, and 35 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 30, 31, 34, and 35 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 30, 31, 34, and 35 be withdrawn.

XV. THE OBVIOUSNESS REJECTION OF CLAIM 32

On pages 15-16 of the Office Action, claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) and further in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643). This rejection is hereby respectfully traversed.

Claim 32 is dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claim 32 should also be allowable at least by virtue of its dependency on independent claim 21. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 32 be withdrawn.

XVI. THE OBVIOUSNESS REJECTION OF CLAIMS 36, 37, AND 40

On pages 16-17 of the Office Action, claims 36, 37, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al.

(U.S. Patent No. 6,134,584). This rejection is hereby respectfully traversed.

For the reasons set forth above with respect to claim 13, it is respectfully submitted that Hu and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 36.

Claims 37 and 40 are dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claims 37 and 40 should also be allowable at least by virtue of their dependency on independent claim 36. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 36, 37, and 40 be withdrawn.

XVII. THE OBVIOUSNESS REJECTION OF CLAIM 38

On pages 17-18 of the Office Action, claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Lee (U.S. Patent No. 4,788,715). This rejection is hereby respectfully traversed.

Claim 38 is dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claim 38 should also be allowable at least by virtue of its dependency on independent claim 36. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 38 be withdrawn.

XVIII. THE OBVIOUSNESS REJECTION OF CLAIMS 39 AND 41-44

On pages 18-19 of the Office Action, claims 39 and 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) and further in view of Colby et al. (U.S. Patent No. 6,625,643). This rejection is hereby respectfully traversed.

Claims 39 and 41-44 are dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claims 39 and 41-44 should also be allowable at least by virtue of their dependency on independent claim 36. Moreover, these claims recite additional features which are not

claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 39 and 41-44 be withdrawn.

XIX. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

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APPENDIX A

1 (Previously Presented). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site;

a capacity determination unit for determining if the web site has capacity to handle an additional customer;

a notification unit for notifying the customer if the web site currently has insufficient capacity; and

a redirect unit for redirecting the customer to the web site if sufficient capacity is found.

2 (Original). The internet customer access system of claim 1, wherein the notification unit comprises a scheduling processor for scheduling access of the customer to the web site.

3 (Original). The internet customer access system of claim 2, further comprising a customer identification unit for determining whether a customer has scheduled access to a web site.

4 (Previously Presented). The internet customer access system of claim 3, wherein the scheduling processor comprises means for attaching a tag to a customer system.

5 (Original). The internet customer access system of Claim 4, wherein the tag comprises an encrypted cookie.

6 (Currently Amended). The internet customer access system of claim 4, wherein the customer identification unit comprises means for detecting the tag attached to ~~on~~ the customer system and means for removing the tag from the customer system.

7 (Original). The internet customer access system of claim 3, wherein the notification unit comprises an update processor for informing a customer access system already possessing a tag of current accessibility status.

8 (Original). The internet customer access system of claim 2, wherein the scheduling processor comprises means for providing appointment slots.

9 (Original). The internet customer access system of claim 3, wherein the scheduling processor comprises means for providing

the customer with a position in a queue and means for providing an estimated service time.

10 (Original). The internet customer access system of claim 9, wherein the notification unit comprises means for providing a customer with an updated place in the queue.

11 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that the site is full.

12 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that replay options are available.

13 (Previously Presented). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site;

a capacity determination unit for determining if the web site has the capacity to handle an additional customer;

a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists; and

a customer identification unit for determining whether the customer has scheduled access to the web site.

14 (Original). The internet customer access system of claim 13, wherein the scheduling processor comprises means for attaching a tag to a customer system.

15 (Original). The internet customer access system of 14, wherein the tag is an encrypted cookie.

16 (Currently Amended). The internet customer access system of claim 15, wherein the customer identification unit comprises means for detecting the encrypted cookie ~~on—attached~~ to the customer system and means for removing the encrypted cookie from the customer system.

17 (Original). The internet customer access system of claim 14, further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status.

18 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing appointment slots.

19 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

20 (Original). The internet customer access system of claim 13, further comprising a notification unit having means for notifying a customer that the site is full.

21 (Previously Presented). A method for regulating access to a web site, the method comprising the steps of:

receiving a redirected customer web site access request from a network server;

determining whether the web site has sufficient capacity to accommodate an additional customer;

redirecting the customer to the web site if sufficient capacity is found; and

notifying the customer if insufficient capacity is found.

22 (Original). The method of claim 21, comprising notifying the customer that replay options are available.

23 (Original). The method of claim 21, further comprising determining whether the customer has a tag.

24 (Original). The method of claim 23, further comprising determining whether the tag is valid.

25 (Original). The method of claim 24, further comprising redirecting the customer to the web site if the tag is valid.

26 (Original). The method of claim 23, further comprising determining if the tag is expired.

27 (Previously Presented). The method of claim 26, further comprising performing scheduling operations if the tag is expired and providing the customer with an updated status if the tag is not expired.

28 (Original). The method of claim 21, wherein redirecting the customer to the web site comprises the steps of determining if

the customer has a tag and removing the tag if present.

29 (Original). The method of claim 21, further comprising scheduling customer access if insufficient capacity is found.

30 (Original). The method of claim 29, wherein scheduling comprises providing the customer with a position in a queue.

31 (Original). The method of claim 29, wherein scheduling comprises providing the customer with an appointment.

32 (Previously Presented). The method of claim 29, wherein scheduling comprises leaving a tag on a customer system and providing the customer with a finite time for which the tag is valid.

33 (Original). The method of claim 29, further comprising determining whether a visitor has previously scheduled access to the web site.

34 (Original). The method of claim 33, further comprising providing a customer with updated position information.

35 (Original). The method of claim 33, further comprising offering a cancellation and rescheduling option upon providing updated position information.

36 (Previously Presented). A method for regulating access to a web site, the method comprising the steps of:

receiving a redirected customer web site access request from a network server;

determining if the web site has sufficient capacity to handle an additional customer;

scheduling access of the customer to the web site if insufficient capacity is found; and

determining whether a customer has previously scheduled access to the web site.

37 (Original). The method of claim 36, wherein scheduling access comprises scheduling an appointment for the customer.

38 (Original). The method of claim 36, wherein scheduling access comprises assigning the customer a position in a queue.

39 (Original). The method of claim 36, wherein scheduling access comprises providing the customer with a tag.

40 (Original). The method of claim 36, further comprising redirecting the customer to the web site if sufficient capacity is found.

41 (Original). The method of claim 36, wherein determining whether a customer has previously scheduled access to the web site comprises determining whether a customer has a tag.

42 (Original). The method of claim 41, further comprising redirecting the customer to the web site if the tag is valid.

43 (Original). The method of claim 42, further comprising performing scheduling operations if the tag is expired.

44. (Original) The method of claim 43, further comprising performing update processing if the tag is not yet valid and is not yet expired.